

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH DE COSTER *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

V.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

CLASS ACTION

Case No. 2:21-cv-00693-RSM

**STIPULATED MOTION AND ORDER
TO DEFER THE DEADLINE TO FILE
A CLASS CERTIFICATION MOTION**

**NOTE ON MOTION CALENDAR:
November 23, 2021**

The parties, by and through their counsel, stipulate and agree as follows:

1. Plaintiffs initially filed this lawsuit on May 26, 2021.

2. On June 21, 2021, the Court entered a stipulated order [Dkt. 15] consolidating this case with *West v. Amazon.com, Inc.*, Case No. 2:21-cv-694 (“Stipulated Order”).

3. As permitted by the Stipulated Order, Plaintiffs filed their consolidated amended complaint [Dkt. 20] on July 21, 2021.

4. Plaintiffs intend to seek to certify a nationwide class of all persons who, on or after May 26, 2017, purchased one or more goods on Amazon's marketplace.

1 5. Under Local Rule 23(i)(3), the presumptive deadline for Plaintiffs to file a motion
 2 for class certification is 180 days from the date of filing, absent a Court order deferring the
 3 deadline. If set by the original filing, the deadline was November 22, 2021. If set by the date of
 4 filing the consolidated amended complaint, the deadline is January 18, 2022.

5 6. Good cause exists to extend the presumptive class certification deadline because
 6 the Stipulated Order extended the deadline for Amazon to respond to the complaint and for the
 7 parties' respective briefing on any motion to dismiss. Consistent with that extension, Amazon
 8 filed a motion to dismiss [Dkt. 35] pursuant to Fed. R. Civ. P. 12(b)(6) on September 20, 2021,
 9 and the Court permitted a further extension that allows Amazon to file its reply brief by January
 10 18, 2022 [Dkt. 38], so that motion will not be fully briefed until after expiration of the
 11 presumptive deadline for the class certification motion established by Local Rule 23(i)(3).

12 7. Good cause also exists to extend the presumptive class certification deadline
 13 because the issues raised in the consolidated amended complaint will require discovery before
 14 Plaintiffs can file their class certification motion, and any expert reports filed in connection with
 15 the class certification motion will need to be grounded in facts disclosed during discovery.

16 8. Having met and conferred, the parties have therefore agreed, subject to the
 17 Court's approval, to stipulate to request the Court to vacate the current class certification
 18 deadline prescribed by the local rule. The parties further agree that if the Court denies Amazon's
 19 motion to dismiss Plaintiffs' consolidated amended complaint, they will propose a class
 20 certification-briefing schedule promptly following the Court's disposition of the motion.

1 DATED: November 23, 2021

Respectfully submitted,

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27 STIPULATED MOTION TO DEFER THE DEADLINE

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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

The Court hereby vacates the November 22, 2021 deadline for Plaintiffs to file their motion for class certification.

The parties shall propose a class certification briefing schedule promptly following disposition of Amazon’s motion to dismiss Plaintiffs’ consolidated amended complaint, should the Court deny that motion.

DATED this 30th day of November, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

STIPULATED MOTION TO DEFER THE DEADLINE
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 23, 2021, a true and correct copy of the foregoing was
3 filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

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STIPULATED MOTION TO DEFER THE DEADLINE
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